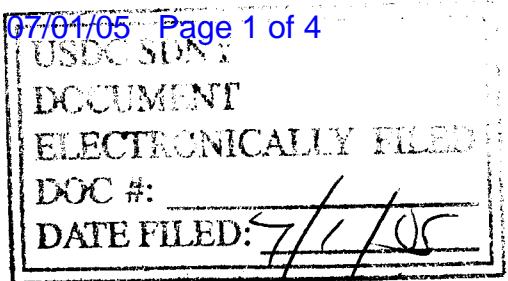


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



----- X
:
:
EDDIE WISE, on behalf of himself and others :
similarly situated, :

Plaintiffs, :

-against- :

RAYMOND W. KELLY, Commissioner of the :
New York City Police Department, et al., :

Defendants. :

----- X
SHIRA A. SCHEINDLIN, U.S.D.J.:

ORDER

05 Civ. 5442 (SAS)

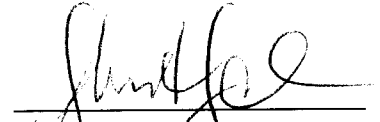
The plaintiffs' request that the Court grant a preliminary injunction ordering defendants Kaye, Lippman, and Parker (the "State Defendants") to disseminate an informational notice to their employees regarding the status of New York Penal Law § 240.35(1) is hereby denied. The Court nonetheless uses its good offices to recommend that the State Defendants issue such a notice advising appropriate personnel of the Second Circuit's decision in *Loper v. New York City Police Dep't*.¹

The Court reserves decision regarding its June 21, 2005 Order to Show Cause pending the State Defendants' submission of, and the plaintiffs'

¹ 999 F.2d 699 (2d Cir. 1993).

opposition to, a motion to dismiss.

SO ORDERED:



Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
July 1, 2005

- Appearances -

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